

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
**U. S. Application No. 09/659,580**

**REMARKS**

Claims 1-26 are all the claims pending in the application.

Claims 19-26 are objected to under 37 C.F.R. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1, 7, 12, 17, 19 and 20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tanikawa (EP 0 938 092 A2).

Claims 2-6, 8-11, 13-16, 18 and 21-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicant respectfully traverses the rejection with the following comments.

On December 2 and December 9, 2004 Applicant's representative discussed the present application with the Examiner. Applicant would like to thank the Examiner for conducting those interviews. The prior art rejection of claims 1, 7, 12, 17, 19 and 20 as being anticipated by Tanikawa was discussed during the interviews. The Examiner and Applicant's representative agreed that claims 1, 7, 12 and 19 would be amended to change "amount" to "recording amount" and that the Examiner would enter these amendments, even though the current Office Action is final.

Also, claim 26 is amended as suggested by the Examiner in the current Office Action.

Additionally, claim 19 is amended in a manner similar to the recitation in claim 1 regarding the "detected recording status" and to correct a typographical error in the word "format."

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
**U. S. Application No. 09/659,580**

Applicant submits that the objection to claims 19-26 is overcome by the present Amendment.

With respect to the prior art rejection, Applicant has the following comments.

Applicant submits that Tanikawa does not teach or suggest all of the limitations of claims 1, 7, 12 and 19 of the present invention. Specifically, the reference fails to disclose the feature of claim 1 of when the information is recorded according to a simple format, recording, in response to the detected recording status, a recording control data according to the simple format, whose recording amount is smaller as compared to a predetermined recording control data according to a standard format. The Examiner refers to col. 9, lines 31-50 and col. 10, line 51 - col. 11, line 33 as allegedly disclosing this feature of the claim, but Applicant respectfully disagrees. As disclosed in the cited excerpts, Tanikawa is directed to determining the value of a Last Recorded Address, which is to be recorded as a control data. In the Last Recorded Address, the address which is the maximum in the range of the data previously recorded in the data area 4 (FIG. 2) is described. See col. 9, lines 37-39. In other words, the value of the Last Recorded Address control data is simply an address. See col. 9, lines 42-45. By contrast, claim 1 of the present invention recites a recording control data whose recording amount is smaller as compared to a predetermined recording control data according to a standard format. In other words, claim 1 recites recording a recording control data having a recording amount as claimed. By contrast, Tanikawa is concerned with recording an address of a control data, without regard for the amount of control data to be recorded. Therefore, claim 1 is not anticipated by Tanikawa for at least this reason.

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
**U. S. Application No. 09/659,580**

Applicant submits that claims 7, 12 and 19 are not anticipated by Tanikawa for analogous reasons to those presented above for claim 1.

Claims 17 and 20 are allowable at least because of their dependence from claims 1 and 19, respectively.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Cameron W. Beddard  
Registration No. 46,545

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: December 13, 2004